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Spencer D. Plummer III

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY R. RAIFMAN, individually and as
Trustee of the RAIFMAN FAMILY
REVOCABLE TRUST DATED 7/2/03,
SUSAN RAIFMAN, individually and as
Trustee of the RAIFMAN FAMILY
REVOCABLE TRUST DATED 7/2/03, and
GEKKO HOLDINGS, LLC, an Alaska limited
liability company, dba GEKKO BREEDING
AND RACING,

Plaintiffs,

v.

CLASSICSTAR, LLC, a Utah limited liability
company, CLASSICSTAR FARMS, LLC, a
Kentucky limited liability company,
BUFFALO RANCH, a business entity form
unknown, GEOSTAR CORPORATION, a
Delaware corporation, S. DAVID PLUMMER,
SPENCER D. PLUMMER III, TONY
FERGUSON, THOMAS ROBINSON, JOHN
PARROT, HANDLER, THAYER &
DUGGAN, LLC, an Illinois Limited Liability
Company, THOMAS J. HANDLER,
KARREN, HENDRIX, STAGG, ALLEN &
COMPANY, P.C., a Utah professional
corporation f/k/a KARREN, HENDRIX &
ASSOCIATES, P.C., a Utah professional
corporation, TERRY L. GREEN, and DOES 1-
1000 inclusive,

Defendants.

Case No. C 07-2552 EDL

[PROPOSED]

**ORDER GRANTING MOTION TO
DISMISS FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF MAY
BE GRANTED**

1 The motion of defendant Spencer D. Plummer III ("Spencer Plummer") for dismissal
2 pursuant to Fed. R. Civ. P. 12(b)(6) came on regularly for hearing before this Court on July 31,
3 2007, at 9:00 a.m. Counsel of record for Spencer Plummer and for the plaintiffs offered
4 argument.

5 After full consideration of the pleadings and papers filed by the parties and oral argument,
6 IT IS HEREBY ORDERED that Spencer Plummer's Motion to Dismiss for Failure to
7 State a Claim Upon Which Relief may be Granted is GRANTED, and all claims alleged against
8 Spencer Plummer are dismissed, with prejudice.

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10 DATED: _____, 2007.

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12 Elizabeth D. Laporte
13 United States Magistrate Judge
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